

**CITY OF OJAI
RESOLUTION 22-46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA SUPPORTING THE SECOND AMENDMENT TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM IMPLEMENTATION AGREEMENT VENTURA COUNTYWIDE STORMWATER QUALITY MANAGEMENT PROGRAM

This “Second Amendment” is made and entered into by and between the County of Ventura (“County”); the Ventura County Watershed Protection District (“District”); and the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks (collectively, the “Cities”). Hereinafter, the County, the District, and the Cities may be referred to collectively as the “Parties.”

RECITALS

WHEREAS, the Parties currently implement and administer the Ventura County Stormwater Quality Management Program (the “Program”) pursuant to an agreement, and an amendment thereto, approved by the Parties on or about July 17, 2010, and on or about April, 2016, respectively (collectively, the “Implementation Agreement”).

WHEREAS, Among other things, the Implementation Agreement generates funds for the implementation and administration of the Program through the District’s benefit assessment program.

WHEREAS, The Program is a requirement of the National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Los Angeles Regional Water Quality Control Board (“Regional Water Board”), with its adoption of Order No. R4-2010-0108, for the discharge of stormwater and urban runoff from the Parties’ respective municipal separate storm systems in Ventura County (“2010 NPDES Permit”).

WHEREAS, The 2010 NPDES Permit, as administratively amended by Regional Water Board Order Nos. R4-2012-0175 and R4-2014-0024, was superseded by the issuance of a new NPDES permit with the adoption of Regional Water Board Order No. R4-2021-0105 (“2021 NPDES Permit”).

WHEREAS, The 2021 NPDES Permit became effective on September 11, 2021, and the Implementation Agreement remains in effect until one (1) year after the effective date of the 2021 NPDES Permit (September 11, 2022).

WHEREAS, The Parties desire to amend the Implementation Agreement to extend its term to allow the Parties sufficient time to negotiate a new implementation agreement that will govern their respective roles and responsibilities under the 2021 NPDES Permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ojai that:in consideration of the foregoing recitals, each of which is incorporated herein as if fully set forth below, the Parties agree as follows:

SECTION 1. Notwithstanding any provision in the Implementation Agreement to the contrary, the Implementation Agreement shall continue in effect until September 11, 2023, or until otherwise terminated pursuant to the Implementation Agreement.

SECTION 2. Until the Implementation Agreement expires or terminates as set forth herein, the District shall continue to be designated the “Principal Permittee” and the remaining Parties shall continue to be designated “Co-Permittees” under the Implementation Agreement.

SECTION 3. Except for the amendments and modifications described in this Second Amendment, all other terms and conditions of the Implementation Agreement shall remain in effect.

SECTION 4. This Second Amendment may be executed in any number of counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

SECTION 5. The Parties agree that this Second Amendment may be transmitted and signed by electronic or digital means by any or all parties and that such signatures shall have the same force and effect as original signatures in accordance with California Government Code Section 16.5 and California Civil Code Section 1633.7.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment through their duly authorized representatives as of the dates set forth below.

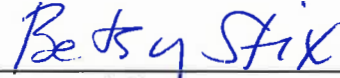
City of Ojai
City Council Resolution No. 22-46

PASSED, APPROVED and ADOPTED this 23rd day of August 2022 by the following vote:

AYES: Blatz, Francina, Haney, Stix, Weirick
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF OJAI, CALIFORNIA

By:



Betsy Stix, Mayor



Date Signed

ATTEST:



Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew T. Summers, City Attorney

Exhibit A - Second Amendment to National Pollutant Discharge Elimination System
Implementation Agreement Ventura Countywide Stormwater Quality Management Program

**SECOND AMENDMENT TO NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM IMPLEMENTATION AGREEMENT
VENTURA COUNTYWIDE STORMWATER QUALITY MANAGEMENT PROGRAM**

This “Second Amendment” is made and entered into by and between the County of Ventura (“County”); the Ventura County Watershed Protection District (“District”); and the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks (collectively, the “Cities”). Hereinafter, the County, the District, and the Cities may be referred to collectively as the “Parties.”

RECITALS

A. The Parties currently implement and administer the Ventura County Stormwater Quality Management Program (the “Program”) pursuant to an agreement, and an amendment thereto, approved by the Parties on or about July 17, 2010, and on or about May 10, 2016, respectively (collectively, the “Implementation Agreement”).

B. Among other things, the Implementation Agreement generates funds for the implementation and administration of the Program through the District’s benefit assessment program.

C. The Program is a requirement of the National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Los Angeles Regional Water Quality Control Board (“Regional Water Board”), with its adoption of Order No. R4-2010-0108, for the discharge of stormwater and urban runoff from the Parties’ respective municipal separate storm systems in Ventura County (“2010 NPDES Permit”).

D. The 2010 NPDES Permit, as administratively amended by Regional Water Board Order Nos. R4-2012-0175 and R4-2014-0024, was superseded by the issuance of a new NPDES permit with the adoption of Regional Water Board Order No. R4-2021-0105 (“2021 NPDES Permit”).

E. The 2021 NPDES Permit became effective on September 11, 2021, and the Implementation Agreement remains in effect until one (1) year after the effective date of the 2021 NPDES Permit (September 11, 2022).

F. The Parties desire to amend the Implementation Agreement to extend its term to allow the Parties sufficient time to negotiate a new implementation agreement that will govern their respective roles and responsibilities under the 2021 NPDES Permit.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which is incorporated herein as if fully set forth below, the Parties agree as follows:

1. Notwithstanding any provision in the Implementation Agreement to the contrary, the Implementation Agreement shall continue in effect until September 11, 2023, or until otherwise terminated pursuant to the Implementation Agreement.

2. Until the Implementation Agreement expires or terminates as set forth herein, the District shall continue to be designated the "Principal Permittee" and the remaining Parties shall continue to be designated "Co-Permittees" under the Implementation Agreement.

3. Except for the amendments and modifications described in this Second Amendment, all other terms and conditions of the Implementation Agreement shall remain in effect.

4. This Second Amendment may be executed in any number of counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

5. The Parties agree that this Second Amendment may be transmitted and signed by electronic or digital means by any or all parties and that such signatures shall have the same force and effect as original signatures in accordance with California Government Code Section 16.5 and California Civil Code Section 1633.7.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment through their duly authorized representatives as of the dates set forth below.

**SECOND AMENDMENT TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
IMPLEMENTATION AGREEMENT VENTURA COUNTYWIDE STORMWATER QUALITY
MANAGEMENT PROGRAM**

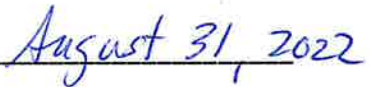
City of Ojai Signature Page

CITY OF OJAI



Betsy Stix, Mayor

City of Ojai



Date

ATTEST:



Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

Office of City Attorney:



Matthew Summers, City Attorney

Agreement No. 2010-58B